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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,556	06/23/2003	Timothy S. Milliron	021751-001610US	1250
20350	7590	06/03/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			CHUNG, DANIEL J	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,556

Applicant(s)

MILLIRON, TIMOTHY S.

Examiner

Daniel J. Chung

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 21-40 are presented for examination. This office action is in response to the amendment filed on 12-21-2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 21-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Sclaroff et al. (5,590,261)

Regarding claim 21, Sclaroff et al discloses that the claimed feature of a computer implemented method of generating a graphical warp through transformation of an undeformed model to a deformed model, the method comprising: receiving information specifying the undeformed model [i.e. "source-image source"; 20 in Fig 1]; receiving a set of feature specifications [i.e. "features in source and target"], each feature specification comprising a source feature and a target feature [i.e. "feature location"; 22 in Fig 1]; receiving a set of transformations ["transformation", "mapping function"] for mapping the source feature to the target feature in each feature specification in the set of feature specifications [i.e. "feature point"] (See Fig 1, Fig 6-7);

receiving a set of strength fields defined over the undeformed model for scaling the magnitude of transformations [i.e. "scaling transformation" in Fig 7] in the set of transformations to generate a set of scaled transformations; receiving a set of weighting fields defined over the undeformed model for determining the relative influence of the set of scaled transformations [i.e. "rigid-body, deformational transformations" in Fig 7]; and generating the deformed model by applying the set of transformations [i.e. "scaling/rigid-body/deformational transformations"], the set of strength fields, and the set of weighting fields to the undeformed model. (See Abstract, Fig 1, Fig 6, Fig 7, col 22 line 7+)

Regarding claims 22-23, Sclaroff et al discloses that the set of feature specifications comprises a first feature specification comprising a source feature identifying a source position [i.e. "source feature point"] of a continuous/discrete feature and a target feature identifying a target position [i.e. "target feature point"] of the continuous/discrete feature. (See Abstract, col 4 line 29-35, col 22 line 7+)

Regarding claims 24-25, Sclaroff et al discloses that the set of feature specifications comprises a first feature specification comprising a source feature identifying a source position [i.e. "source feature point"] of a feature point/coordinate frame and a target feature identifying a target position [i.e. "target feature point"] of the feature point/coordinate frame. (See Abstract, col 4 line 29-35, col 22 line 7+)

Regarding claims 26-27, Sclaroff et al discloses that the set of feature specifications comprises a first feature specification comprising a source feature identifying a source curve/surface [i.e. "source feature vector"] and a target feature identifying a target curve/surface. [i.e. "source feature vector"] (See Abstract, col 4 line 29-35, col 22 line 7+)

Regarding claim 28, Sclaroff et al discloses that the set of feature specifications comprises a first feature specification comprising a source continuous feature and a target continuous feature, and a second feature specification comprising a source discrete feature and a target discrete feature. (See col 2 line 26-52, col 3 line 33-35, col 5 line 54-56)

Regarding claim 29, Sclaroff et al discloses that computing a sum of the set of scaled transformations weighted by the set of weighting fields, for deforming the undeformed model to generate the deformed model. (See Fig 6-7, col 9 line 58-63, col 18 line 27-37)

Regarding claims 30 and 39-40, claims 30 and 39-40 are similar in scope to the claim 21, and thus the rejection to claim 21 hereinabove is also applicable to claims 30 and 39-40.

Regarding claim 31, refer to the claim 21 hereinabove, Sclaroff et al further disclose that the utilizing of sampling function to the set of transformations. (See col 3 line 32-42)

Regarding claims 32-33 and 37-38, claims 32-33 and 37-38 are similar in scope to the claims 30-31, and thus the rejections to claims 30-31 hereinabove are also applicable to claims 32-33 and 37-38.

Regarding claims 34-36, claims 34-36 are similar in scope to the claims 21-23, and thus the rejections to claims 21-23 hereinabove are also applicable to claims 34-36.

Response to Arguments/Amendment

Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection. Specifically, in response to the applicant's argument (See Remarks) that the cited references do not disclose the different set of transformations [i.e. a set of transformation, a set of strength fields, a set of weighting fields] to generate the deformed model, the newly submitted reference (Sclaroff et al) discloses the image deformation process with applying different sets of transformations [i.e. scaling, rigid-body, deformational] separately. See the rejection hereinabove.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (571) 272-7657. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (571) 272-7664.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (Central fax)

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc
May 27, 2005

Matthew C. Bella

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600